



Town of New Windsor

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OFFICE OF THE PLANNING BOARD

WEDNESDAY – JANUARY 10, 2007 - 7:30 PM
TENTATIVE AGENDA

CALL TO ORDER

ROLL CALL

PLANNING BOARD REORGANIZATION FOR 2007

ANNUAL MOBILE HOME PARK REVIEW:

- a. Brittany Terrace Mobile Home Park – Station Road

PUBLIC HEARINGS:

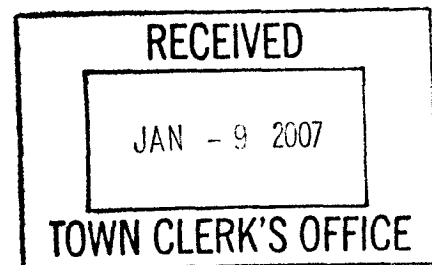
- 1. GATEWAY MEDICAL PLAZA (WILLIAM HELMER) SUBDIVISION (06-29)** Rt. 300 (Gateway Industrial Park) – Proposed 2-lot commercial subdivision
- 2. HAIG SARKISSIAN LLC SITE PLAN (06-30)** Rt. 300 (Gateway Industrial Park) – Proposed 10,000 s.f. medical office building

REGULAR ITEMS:

- 3. BONURA / JJ&H OF WALDEN INC. (CRIPPLE CREEK) LOT LINE CHANGE (06-13) (SHAW)** 2975 ROUTE 9W - Commercial Lot Line Change.

DISCUSSION

ADJOURNMENT



(NEXT MEETING – JANUARY 24, 2007)

January 10, 2007

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TOWN OF NEW WINDSOR

PLANNING BOARD

JANUARY 10, 2007

MEMBERS PRESENT: JERRY ARGENIO, CHAIRMAN
NEIL SCHLESINGER
HOWARD BROWN
JOSEPH MINUTA
HENRY SCHEIBLE

ALTERNATE: DANIEL GALLAGHER

ALSO PRESENT: MARK EDSALL, P.E.
PLANNING BOARD ENGINEER

MICHAEL BABCOCK
BUILDING INSPECTOR

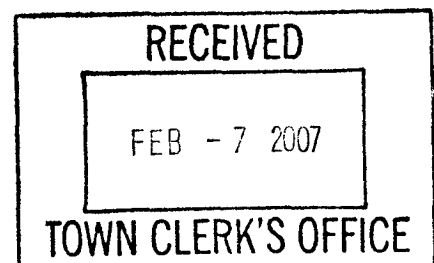
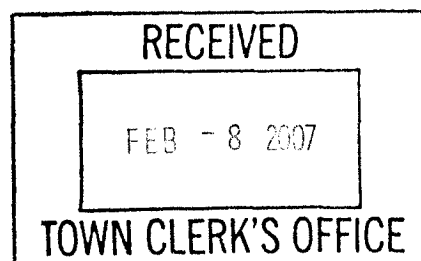
MYRA MASON
PLANNING BOARD SECRETARY

DOMINIC CORDISCO, ESQ.
PLANNING BOARD ATTORNEY

ABSENT: HENRY VAN LEEUWEN

REGULAR_MEETING

MR. ARGENIO: I'd like to call the January 10 meeting
of the Town of New Windsor Planning Board to order.
Please stand for the Pledge of Allegiance.



(Whereupon, the Pledge of Allegiances was recited.)

REORGANIZATION

MR. ARGENIO: We had our annual work session workshop, we talked about just how the past year was, personal issues, things of this nature and we also got together to establish tonight our officers of the planning board. Does somebody have a motion for planning board chairman?

MR. SCHLESINGER: Yeah, I'd like to nominate Mr. Argenio for a second term.

MR. MINUTA: I'll second that.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board elect myself, Jerry Argenio, as chairman of the New Windsor Planning Board for a second term. I will have a roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. SCHEIBLE	AYE
MR. MINUTA	AYE

MR. ARGENIO: I'll make a motion to nominate Neil as secretary.

MR. BROWN: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board re-elect Neil Schlesinger as secretary of the Town of New Windsor Planning Board for this year of '07. If there's no further discussion, roll call.

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ROLL CALL

MR. BROWN	AYE
MR. SCHEIBLE	AYE
MR. MINUTA	AYE
MR. ARGENIO	AYE

MR. ARGENIO: Somebody have a motion for vice chairman?

MR. SCHLESINGER: Make a motion for Henry Van Leeuwen.

MR. ARGENIO: Second it. Motion has been made and seconded that the Town of New Windsor Planning Board elect Mr. Van Leeuwen for second term as vice chairman of the planning board. If there's no further discussion, roll call.

ROLL CALL

MR. BROWN	AYE
MR. SCHEIBLE	AYE
MR. SCHLESINGER	AYE
MR. MINUTA	AYE
MR. ARGENIO	AYE

MR. ARGENIO: We also, that being said, we nominated and we elected at a majority unanimous vote to reappoint the firm of Drake Loeb, Dominic Cordisco, as our attorney. We also unanimously elected to keep Mr. Edsall, although there was quite a bit of discussion about that, and we also elected to keep Franny as our stenographer and Mike and Myra it's always good to have you here. That being said, let's get started because we have an agenda and the President is speaking tonight. And while some of you might not want to hear it, I certainly want to hear what we're doing.

ANNUAL_MOBILE_HOME_PARK_REVIEW

BRITTANY_TERRACE_MOBILE_HOME_PARK

MR. ARGENIO: First on the agenda the annual mobile home park, Brittany Terrace, which is Mr. Peter Kean who's my neighbor, I see him in the audience. Please come forward, Mr. Kean. Mike, can you tell me about Mr. Kean's place, as if I don't know about it already?

MR. BABCOCK: We have been there and inspected it, everything's fine.

MR. ARGENIO: Do you have a check in the amount of \$375?

MR. KEAN: I have a check in the amount of \$385.

MR. ARGENIO: That's great, we're going to lunch tomorrow.

MS. MASON: How many?

MR. KEAN: There's 77.

MS. MASON: They said 75 with the count.

MR. BABCOCK: We probably counted wrong, we'll get that straight. I'm sure Mr. Kean knows how many he has.

MR. ARGENIO: Inasmuch as everything's in order there, I'll accept a motion if somebody agrees that we extend the special use permit for Mr. Kean.

MR. SCHLESINGER: So moved.

MR. BROWN: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board give Mr. Kean at

the Brittany Terrace Mobile Home Park a one year extension. No further discussion, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. SCHEIBLE	AYE
MR. MINUTA	AYE
MR. ARGENIO	AYE

MR. KEAN: I have a question, who enforces regulations, Mike, is it the fire inspector now?

MR. BABCOCK: Well, it's the building department, they work for me now.

MR. KEAN: The reason I ask that is we have a notice from the fire guy saying that there are two homes that are on site without rear steps, which is correct, one of the homes has been there for 31 years, the other one for 33 years without rear steps and now they tell me that even though I don't own the homes that it's the homeowner doesn't put the steps on that I have to.

MR. BABCOCK: Well, I guess we don't have any way of dealing with the homeowner themselves, I guess it's you, so we have to go after you to get them to do it.

MR. KEAN: I've asked both of them and they just don't want to spend \$1,000 that it would cost and I certainly can understand that, I certainly understand the need for steps too.

MR. BABCOCK: Right, well, why don't you call me and we can discuss that, figure something out.

MR. KEAN: Thank you.

MR. ARGENIO: Let me know where that goes, Mike. Okay,

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thank you, Mr. Kean.

January 10, 2007

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PUBLIC_HEARINGS:

GATEWAY_MEDICAL_PLAZA_(WILLIAM_HELMER)_SUBDIVISION_

(06-29)

MR. ARGENIO: Public hearings, Gateway Medical Plaza, the Bill Helmer subdivision. This application proposes subdivision of 15.6 acre parcel into two lots. Plan was previously reviewed at the 8 November, 2006 planning board meetings. This application is before the board for a public hearing at this time.

Mr. William Helmer appeared before the board for this proposal.

MR. ARGENIO: Mr. Helmer, would you put your plan on that board there and what we'll do is I'd like you to give the planning Board a brief rundown on what you're doing and then we'll open it up to the public.

MR. HELMER: Basically, this is a 100,000 square foot subdivision of you mentioned 15 plus acres at the end of Executive Drive. You pass by the glass building and the ENA building and it's immediately across from the ENA building. And it's adjacent to below the Gateway building which now contains three different users. It's the, Executive Drive is already built, we propose to build, extend the road just in front of this property and with a cul-de-sac at the end and provide for construction of a medical office building on the site. I think it meets all the requirements.

MR. ARGENIO: There's a lot of notes on the plans, lot of notes, yeah, do you have Mark's comments?

MR. HELMER: I have and I think we have satisfied them.

MR. BABCOCK: Those are the ones he just gave you.

MR. ARGENIO: Building project is a separate, separate

application and we'll review that after this. So what I am referring to is specifically relative to this project. Bulk tables should note that the street frontage--

MR. HELMER: Can I comment on the bulk table?

MR. ARGENIO: I'm not going to go through all of them.

MR. HELMER: The coverage would be on the site plan for the building we're subdividing the lot.

MR. EDSALL: It is needed on the site plan, the reason why we asked them to be on the subdivision plan is that as the zoning changes year to year or every five or eight years, your plan will have a record of what it was now so it's got to be a complete bulk table.

MR. HELMER: What the engineer said is if you approve the site plan for the medical building we'll put that on here before this is signed.

MR. EDSALL: No, the required numbers are what I'm looking for, Bill.

MR. HELMER: Required is 85 percent.

MR. EDSALL: Where does it say that on the plan? It doesn't.

MR. HELMER: It doesn't.

MR. EDSALL: That's why I'm asking for it.

MR. ARGENIO: I didn't want to get into the minutia and I brought it up just to give an idea of what we're looking for, it's in Mark's comments but I'm not going to go through all these comments one at a time because there's a finite amount of time here. Let me ask you a question, do you have Mark's comments there?

MR. HELMER: Yes.

MR. ARGENIO: If you go to the second page item number 3 the next to last bullet.

MR. HELMER: Parking lot layout details.

MR. ARGENIO: No, I'll read it. The overall plan on sheet one indicates a lot 17.6 shown as now or formerly the Town of Windsor, Mark's comments says I'm unaware of parcels with town ownership with this project area. Can you show me where that is lot 17.6?

MR. HELMER: I still don't see it on the comments I have here.

MR. EDSALL: Subdivision, we're sorry, Bill, there's two sets of comments, one for the subdivision, one for the site plan.

MS. MASON: He's got it.

MR. HELMER: This is what you're referring to?

MR. ARGENIO: Yes.

MR. BABCOCK: The road, Bill.

MR. EDSALL: Is that 60 foot strip, is that a separate lot right now?

MR. HELMER: That's across from the glass office building when you go, come in where the signs are.

MR. EDSALL: 17.6 is the proposed road dedication?

MR. ZIMMERMAN: Yes.

MR. BABCOCK: But it's not owned by the Town of New

Windsor.

MR. HELMER: No, we had an agreement with the Town of New Windsor and to take it in dedication once the sewer line was finally approved and accepted and that's been going on for about five years now I think or more.

MR. EDSALL: More than that.

MR. ARGENIO: Where is that agreement, Mark, is there something?

MR. EDSALL: There was probably discussions back when sewers were being installed through the area, I'm not--

MR. HELMER: This is when the new sewer, the 30 inch sewer was installed from Stewart Airport through our property and they came right down the center line of Executive Drive and the Town came to me and said we need to condemn the land for an easement and I said I'll give you the easement as long as the road is restored to your specifications and you take it in dedication. It seems that the contractor that was doing the sewer line became in litigation with the Town of New Windsor and therefore they have never notified me that everything's been resolved and I can dedicate the land, I think we have an agreement with Crotty, the former Town attorney on that and this has been going on now for a number of years.

MR. BABCOCK: But Bill see where it says Town of New Windsor out where the road's not even built yet, the road, move out to the right, see it go on out farther, see it right there, that says Town of New Windsor.

MR. HELMER: That's 4-3-17.6, that's simply an extension of the second drive which is not dedicated, that's correct.

MR. BABCOCK: It's not even built, it's not there.

MR. HELMER: That should be off there probably, that's right in the workshop we discussed whether the Town wanted to extend that road or not and they elected not to cause they didn't want trucks going out Wembly out that way, they wanted them to go out Wembly and not Executive Drive and they didn't want the cars to go down, you're right, to the Wembly Road.

MR. ARGENIO: So that lot does not exist.

MR. HELMER: That's correct, that lot is the lot that we're dedicating for Executive Drive that would just be an extension of it which now the Town does not want to do a, the lot on the tax map only goes to the cul-de-sac and we were originally going to plan to run it through, they decided no at this time don't.

MR. EDSALL: Perhaps Mr. Zimmerman can help us, are you telling us that right now is a separate lot on the tax maps?

MR. ZIMMERMAN: Yeah, parcel designated as 17.6 is as Bill had indicated and you had indicated it's the proposed extension of Executive Drive, it's shown on the tax map as that, it's 1.9 acres and probably at the time of subdivision there was an offer made but since the road wasn't built now it's never been dedicated.

MR. EDSALL: Does the existing Executive Drive, is that included in 17.6?

MR. ZIMMERMAN: No.

MR. EDSALL: So this 17.6 is a totally separate stub?

MR. ZIMMERMAN: Yes, I believe so.

MR. EDSALL: No, 17.6 is pointing to just Executive Drive, there's no continuation.

MR. HELMER: That's what I'm thinking.

MR. EDSALL: So this is incorrect. Mr. Chairman, the bottom line is that 17.6 is the current Executive Drive which is proposed for dedication, not only by the Town of New Windsor at this time what's shown here for the 60 foot L-shaped 17.6 doesn't exist on the tax maps, it's not owned by the Town of New Windsor, it's probably just an easement so the map's wrong and that's what I asked the question for cause I knew it wasn't right, I just didn't know what the right answer was. So that's got to be fixed.

MR. ARGENIO: What's your--

MR. HELMER: We'll just take the Town of New Windsor off.

MR. EDSALL: If it's an easements, it's got to be shown on the plan as an easement and who it's to the benefit of and 17.6 has to properly be referenced for the Executive Drive.

MR. CORDISCO: I think it's a little bit more than just taking the Town of Windsor off because he's showing it as a separate tax lot and it's not legal.

MR. HELMER: No, it ends at the cul-de-sac. You're right so we'd just show it to that and what I should do if you're the attorney involved with the Town now is get together with you and get this dedicated.

MR. CORDISCO: Sure and I'll leap tall buildings as well.

MR. HELMER: We have a letter from the Town of New Windsor saying if they can install the sewer through our property when they're done, we can dedicate the road and I don't know whether the litigation or the

contractor's still settled or not.

MR. ARGENIO: Is that your intent, Mr. Helmer, to finish the road to the Town specifications?

MR. HELMER: It is already, that's the agreement, we built it originally but they tore it up and completely rebuilt it when they put the sewer line in but there's been litigation, Mark probably knows better than I do.

MR. EDSALL: There's a lot of history with that contractor, Metric Industries, and they ended up where some of the people ended up being arrested by DEC, quite a history. Also Bill you need to have your surveyor, we now know 17.6 is a separate lot by readjusting the shape of the cul-de-sac you're actually doing a lot line change so he's got to pick up the difference between what's on the tax map matches what's on your proposed plan.

MR. ARGENIO: As long as it's done correctly, I'm not going to get hung up.

MR. EDSALL: That's not in my comments so I wanted to get that into the minutes.

MR. ARGENIO: If that's what it is, I don't want to get twisted up about that because that's not the meat of it, we have to make sure it's legally correct but it is your intent to bring that road to Town standards?

MR. HELMER: The Town was to rebuild it to their standards and dedicate it or take dedication, they have not done it and I have been waiting a number of years for this lawsuit and the Town to come to me and say okay, dedicate it.

MR. ARGENIO: The Town was going to rebuild.

MR. HELMER: They put a 30 inch sewer 12 foot deep

right down the center of the road, they ripped up the whole thing, they did install a guardrail, they did a couple other things but I don't know the status of the Town and this contractor.

MR. ARGENIO: I'm not going to get too twisted up.

MR. CORDISCO: Yes, Mr. Blythe is here, you know, we're willing to meet with you and discuss it.

MR. BLYTHE: Call my office.

MR. ARGENIO: I don't want to sit here and debate this on the planning board level, that's where it's got to go.

MR. BLYTHE: Call in the morning to make an appointment to come on in.

MR. ARGENIO: So you'll do that then, get ahold of Michael Blythe and work with him on that.

MR. BLYTHE: Yes.

MR. OLSEN: John Olsen, I'm the construction manager on the project for Haig, the dedication of the road though I would think that that would be independent of the approval of the subdivision or can it be independent of that?

MR. ARGENIO: I don't know.

MR. EDSALL: It can be but the extension of the roadway has to be part of your subdivision, you have to extend the road to Town standards.

MR. ARGENIO: So you're not talking about the roadway extension, you're talking about the section of road that exists now?

MR. OLSEN: Right, right, we're just concerned, we want to be able to move on with our project, not get mired down in the dedication.

MR. ARGENIO: Understood. The extension of the road is very germane to your project, very germane. I'm kind of trumping you guys, I don't mean to do that, I did have one other question though and the other question is I'll let it go to next time, I don't have anything else. I'd like to get it open to the public but if you have some questions you want to ask, I'm all ears. We'll look at it again after we close the public hearing. On the 27th day of December, 2006, ten addressed envelopes went out with the notice of public hearing pertinent to this case announcing this public hearing this evening for the Gateway Medical Center. If there's anybody here that would like to speak for or against this project, certainly raise your hand and be recognized and you'll have the opportunity to speak for or against. Yes, sir?

MR. WILLIAMS: I'm not speaking for or against it, I just have a question.

MR. ARGENIO: What's your name, sir?

MR. WILLIAMS: Kirk Williams, Riley Road. The last planning board meeting that I attended I seemed to remember Mr. Van Leeuwen making a comment that for about 20 years the Town would not allow anymore subdivisions in there to be done unless the existing roads were brought up to Town specifications to be dedicated.

MR. ARGENIO: If you check that and somebody correct me if I'm mistaken here, I think what Mr. Van Leeuwen was talking about was the loop on Wembly Road.

MR. EDSALL: You're correct.

MR. ARGENIO: He was talking about the loop on Wembly Road and like yourself when he first started talking about it I thought he was talking about this as well but he's referring to the loop on Wembly Road which certainly is an issue in and amongst itself and if you look in those minutes you'll see I made a comment that I want to be careful if and in fairness to the applicant not to mix two different applications.

MR. WILLIAMS: I think it would be a good addition to the Town otherwise it's a good tax ratable.

MR. ARGENIO: Thank you. Good thought. Anybody else? No hands being shown--

MR. BRAUN: Leo Braun, New Windsor. In reference to the public hearing portion, I'd like to have it rescheduled again or not definitely closed totally until such a time as this gentleman's answer has been addressed.

MR. ARGENIO: With respect to what?

MR. BRAUN: The road situation about the easement and the extension because as far as I'm concerned, I don't think that anything can be proceeded until the road easement has been addressed for this gentleman here. Once that's done and the Town has a conclusion against the former contractor we can proceed on to an open hearing again whether he will allow to have Executive Drive the right-of-way to proceed I don't think I'm afraid that when we have to close the public hearing portion of it we will not have a reopening again for him to continue.

MR. ARGENIO: I don't think I quite understand.

MR. BRAUN: I'm basically saying this, I don't think we have addressed to the public very well the thing is still up in arms.

MR. ARGENIO: It's still up in arms, let me interrupt you for one second, I'm not going to cut you off but I want to answer your question, it's not addressed, that's why Michael Blythe is here and that's why Dominic Cordisco is here, that's why they're going to get together with Mr. Helmer to address it and certainly that information is not secret, it's available at Town Hall.

MR. BRAUN: Then can we have another public hearing again to proceed from that point on.

MR. ARGENIO: No, I don't think that would be fair for the applicant, I'm sorry, I don't think that would be fair to the applicant. We don't do this with other applications and certainly if you have been to these meetings and I know you have cause I recognize your face, you know that for the most part, for the most part if somebody has something to say, they want to make a comment even though it's not a public hearing for the most part I will hear the comment for the most part. So I don't see the need to expose ourselves as a Town by leaving the public hearing open and treating Mr. Helmer any differently than we'd treat any other applicant. But as I said certainly in the future most of the time if somebody has something to say as long as it's not repetitive or counterproductive for the most part we'll hear what comment the person has to say. I'm not going to unless somebody disagrees with me on this board we're going to hear back from you, Dominic, relative to this, you're going to work with Mike on the right-of-way thing so it will be addressed here on this level, you certainly will be able to hear the way this thing shakes out.

MR. OLSEN: I think that the gentleman might be a little confused about the lawsuit situation. I believe that the lawsuit is between the Town and one of the Town's contractors, it has nothing to do with Mr.

Helmer. So it's not as though the Town or Mr. Helmer did somebody wrong and the Town sued one of his contractors, it was a project that the Town undertook and their contractor didn't perform properly, they sued their own contractor. Mr. Helmer is an innocent party in that.

MR. EDSALL: That's long over.

MR. ARGENIO: Predates me.

MR. EDSALL: That's long over. Just a note for the record too, even if this road isn't dedicated, the Town does allow commercial subdivisions on commercial roadways that are not dedicated. So if for some reason this road never was dedicated, this project is still approveable.

MR. ARGENIO: Understood, like Wembly Road, for instance.

MR. EDSALL: Exactly.

MR. ARGENIO: Anything else? I'll accept a motion to close the public hearing.

MR. MINUTA: So moved.

MR. BROWN: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board close the public hearing for the William Helmer minor subdivision Gateway Industrial Park. No further discussion from the board members, roll call.

ROLL CALL

MR. SCHLESINGER AYE
MR. BROWN AYE

MR. SCHEIBLE AYE
MR. MINUTA AYE
MR. ARGENIO AYE

MR. ARGENIO: Let's look at this a little bit, guys, there's a lot as I said to you Mr. Helmer there's a lot of things you need to work through with your engineer here, a lot of comments about the plants and slopes and the slope of the cul-de-sac, Belgian block curb detail is not correct, the paving.

MR. EDSALL: Mr. Chairman, these are new comments because at the prior meeting they had not prepared the detailed plan for the road extension so this is their first opportunity to see the comments.

MR. ARGENIO: This project is within 500 foot of New York State Route 207 and 300 and as such a referral has been made to the Orange County Planning Department per New York State General Municipal Law. Myra, have we heard from the County?

MS. MASON: Not yet.

MR. ARGENIO: We're still waiting on that. Anybody have anything else here? We'll certainly see it again, we have to wait for County. Thank you.

HAIG_SARKISSIAN_LLC_SITE_PLAN_(06-30)

MR. ARGENIO: Haig Sarkissian LLC site plan. This application proposes development of 2.2 plus acre lot, with a 10,000 square foot medical office building. The plan was previously reviewed at the 8 November, 2006 planning board meeting. The application is before the board for a public hearing at this time. Mr. Zimmerman is here to represent this. Same rules, Mr. Zimmerman, please present it to the board and then we'll open it up to the public for comment. Go ahead.

MR. ZIMMERMAN: As the notice indicated we're proposing from the previous subdivision this is the lot that's being created a 2.3 acre parcel 100,000 square feet and it's located at the extension of Executive Drive, proposed extension of Executive Drive proposed to end in the cul-de-sac. The proposal is to construct a medical and professional office building single story building 10,000 square feet in floor area as indicated on the site plan and I have also indicated on the plan the access point off of the Executive Drive road extension and the circulation within the parking area, the layout of the proposed parking spaces and the plan also depicts the grading that will take place to do these improvements, shows the proposed storm water drainage system and this is the development plan or grading plan of the set. Other sheets within the subdivision, I'm sorry, within the site plan indicate the proposed landscaping plan and lighting plan that will take place for the construction as well. We're proposing to put lighting on the building and as well as single light poles and plan depicts the curves and coverages of the lights that are proposed. We also show proposed landscaping and the details and quantity of plant material is shown on this plan as well. The balance of the site plan sheets relate to further details of construction and the first sheet of the set shows basically that it is currently a vacant lot, it has a gravel surface in part where at one point in time

school buses were parked on the site and so for the most part this pretty much outlines the proposed development for the construction of this building.

MR. ARGENIO: I'm going to read this to you, it's from the fire department, municipal fire disapproved, fire lane to be 30 feet, sprinkler system required, fire department connection location required. Are you aware of that?

MR. ZIMMERMAN: Well, I did receive a copy of that today, as far as the second two items I believe is part of the construction of the building.

MR. OLSEN: Yeah, we're going to have a sprinkler system anyway, we didn't realize it was something that should be indicated on the site plan.

MR. ARGENIO: Site plan what we'll need to see certainly is the connection from the fire department because it relates to movements with the fire trucks and 30 foot wide lane.

MR. ZIMMERMAN: As far as the 30 foot wide lane, is that even in locations where there's a single row of parking?

MR. ARGENIO: You know what, you're going to have to get to the firemen about this because I can't read their minds. I can tell you the note says 30 foot wide, I know that their concern is typically movement of the fire apparatus, so exactly where you're looking for the 30 feet we have typically left it up to them to determine what in their experience with the other firemen that they're on the fire commission with feel is acceptable, so I would get to him and try and work that out with him. Your 24 inch pipe laid level is that your storage capacity, is that where you're storing?

MR. ZIMMERMAN: Yeah, that's where we're proposing.

MR. ARGENIO: First inch of runoff is that what it is, Mark?

MR. OLSEN: Rather than having a manifold system for the detention system utilizing the length of pipes from catch basin to catch basin laying it level so it has the same effect as the manifold centralized system it has the same capacity.

MR. ZIMMERMAN: Right, provides the storage for the storm event and the discharge is through manhole or catch basin that would allow for the storage and then as the storm continues would allow that to go out at a controlled rate.

MR. ARGENIO: Guys, we'll continue to look at this, in the meantime, I'd like to open it up to the public, see if we have any commentary on it and then we'll get a chance to hit it again. On the 27th day of December, 2006, ten addressed envelopes went out announcing the notice of public hearing for this application. If somebody is here that would like to speak for or against this application, just comment on it, please raise your hand and be recognized by the chairman and you'll be given the opportunity to speak. Inasmuch as there's no hands up, I will accept a motion we close it.

MR. BROWN: Motion we close.

MR. MINUTA: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board close the public hearing for Gateway Medical Plaza. If there's no further discussion, roll call.

ROLL CALL

MR. SCHLESINGER AYE
MR. BROWN AYE
MR. SCHEIBLE AYE
MR. MINUTA AYE
MR. ARGENIO AYE

MR. ARGENIO: Let's have a look. Does anybody have any thoughts on this?

MR. MINUTA: Do we need a storm water management system here?

MR. EDSALL: One of the open items, see my comment 2 on the last sheet at the last meeting there was a request that we look into whether or not the Phase 2 regulations apply to this overall project or not and I didn't want to give an answer right way because in all fairness to the applicant, I wanted to look at it as flexibly as I could to see where it stood. Even if you take the approach that the entire area where the building is being constructed is exempt because it's already disturbed and you're not going to regrade that area just going to build on it and you ignore the road, you're not supposed to, there's still over an acre of disturbance and the threshold is one acre and clearly when you add in the road which you have to by law its way over an acre. So we have no choice but to advise them when they can reach the conclusion they're subject to the Phase 2 regulations and Town storm water regulations which means they're going to have to modify the storm water laws because the large diameter piping attenuates the quantity but does nothing for water quality for treatment, so they have to adjust things, I'm sure they'll deal with it as everyone does these days.

MR. ARGENIO: Mr. Zimmerman, we need a pond or some such thing? I'm not a fan of them but the law is the law. Joe, anything else?

MR. OLSEN: Mr. Edsall, if I can ask you from the layout that we have of the parking area, the existing parking area it's not just such as the building covers that area but the building and essentially all the driveway, all the parking area is on what is now the graveled surface so it seems as though we're--

MR. EDSALL: Not the way the state law's written, matter of fact, on another application we asked for a clarification on water quality, division from DEC said any area where you're constructing, grading anything even if it was disturbed before is new disturbed area and it counts in the acreage. So I did it as flexibly as I could and clearly even if I ignored some of those areas the road puts you over so--

MR. ARGENIO: Mr. Zimmerman, where does the water go from this project downstream, is there enough capacity? Is there any culverts that could be problematic downstream or any flat slopes that would represent a flooding potential?

MR. ZIMMERMAN: Well, it's intended to, there's an existing drainage course off the site that runs into the collection system so it's intended to, you know, attenuate the flow and then eventually come into this existing drainage course.

MR. ARGENIO: What do you mean attenuate the flow, exactly what do you mean?

MR. ZIMMERMAN: The design is intended to hold back whichever peak storm that we're designing for so that the rate of runoff equals what the current rate is now so we're not increasing it.

MR. ARGENIO: And did you look at that, Mark?

MR. EDSALL: No, we need some additional information

because given the system's going to change and you have to add in treatment, system's going to change. When Gerry resubmits we'll look at it but obviously as I understand it's all going down to the swale that's on the bottom of the sheet. We have to verify which direction that swale runs and any downstream structures that would be impacted. Is it running directly out to Silver Stream?

MR. ZIMMERMAN: Yes.

MR. EDSALL: So it doesn't run back toward the interior portion of the Gateway?

MR. OLSEN: That's where the water drains to now, the way it's designed the inlet to the outlet structure is 24 inches and the outlet to the swale is four inches so the water's, the flow, rate of flow is attenuated by the four inch out.

MR. ARGENIO: I just want to make sure, I've seen it too many times where development occurs and there's a problem downstream after the development happens and it may or may not have been you that caused it but guess what, you're the latest guy to build so it becomes your problem, consequently becomes the Town's problem so just take a look at that, see if those numbers, make sure Mark has the information so we know that as I said if there's a problem in the future we've done our due diligence on the front end, that's a little simple but--

MR. HELMER: We do have a complete drainage study for the entire property that was done by Greg Shaw a number of years ago and it could, this whole property could be developed and it meets all the culvert sizes and everything but we can give that to him because Greg Shaw made it for the entire property.

MR. ARGENIO: We know if Mr. Shaw did it--Mark?

MR. EDSALL: He usually does a very good job.

MR. MINUTA: How many years ago was that?

MR. HELMER: Seven or eight.

MR. MINUTA: Have the regulations changed since then?

MR. EDSALL: Well, the quantity of water hasn't changed significantly, the treatment levels and the code has changed for what you have to do to treat the water.

MR. ARGENIO: Mark will apply those new standards to it, absolutely, it's a good point.

MR. CORDISCO: It changed in 2002.

MR. MINUTA: Somebody explain to me there seems to be a clearing limit line, can you explain to me what, usually this is designated as wooded area around that and looking from the road basically see a clear shale parking area, so what are we talking about as trees here? Cause from the landscape plan that I saw it looked a bit anemic for the size of the site.

MR. ZIMMERMAN: Well, we can look to plant some of this slope here that's being disturbed also but the purpose of the clearing limit line is basically just to indicate that we don't intend to disturb anything beyond what that scalloped line is showing.

MR. MINUTA: I guess what I'm asking from my recollection of viewing the property from 300, 207, 300, is that there's not many trees in this area of tall height, so what are we clearing, shrub?

MR. ZIMMERMAN: Yeah, right and--

MR. OLSEN: I think the clearing limit probably should

have been called out, it's just grass and shrubs.

MR. ZIMMERMAN: True, as you say, there aren't many trees on the site so it is basically what you're looking at is the area that's going to be graded to build the parking.

MR. MINUTA: So we're clearing brush but not bringing chain saws and cutting down all the trees?

MR. ZIMMERMAN: Correct.

MR. MINUTA: Back to my point it seems a bit anemic for the site.

MR. SCHLESINGER: Where is your access egress into the building?

MR. ZIMMERMAN: You have the floor plan but essentially it's going to be in this area up in the front here.

MR. SCHLESINGER: No other?

MR. OLSEN: Well, on the front of the building we'll have the entrance for essentially there will be either three or four tenants, one large tenant taking up about 6,000 square feet which is the applicant's ophthalmologist practice and two or three other hopefully doctors.

MR. SCHLESINGER: There's not to be other means of egress?

MR. OLSEN: There will be a back door for each at the south end of the building for each one of the tenants.

MR. SCHLESINGER: You also show a proposed handicapped ramp.

MR. OLSEN: Right at the front entrance.

MR. SCHLESINGER: Why do you have a ramp there? I thought you're all on ground level, no?

MR. OLSEN: For the curb six inches for the curb, just a curb.

MR. ARGENIO: Half a foot for the curb drop.

MR. MINUTA: What happens at the back side?

MR. OLSEN: At the back side?

MR. SCHLESINGER: They'd have to address it the same way.

MR. OLSEN: The plans aren't completed yet so we don't know where the exits are going to be but exactly how it's going to be addressed but it is required.

MR. ARGENIO: They may not be required to put handicapped parking in the back.

MR. MINUTA: Just egress, just simply the ramp there, if you have entrances clearly you need ramps. At what phase are you with the architectural?

MR. OLSEN: At the very beginning schematic's done, we're working on coordinating elevations with the interior layouts to probably within a month we'll have the beginnings of a full schematic set and start our CDs.

MR. MINUTA: Do you have anything in terms of what this building is going to look like?

MR. OLSEN: Well, the model that we're using we're not imitating it exactly but generally it's a Lease building, we talked to Mr. Rosenblum about it, this is fairly, you know, pretty much what the building is

going to look like, the same metal roof, brick front intended to be doctors' offices, the main tenant the ophthalmologist practice.

MR. MINUTA: Nice building there.

MR. ARGENIO: I'm going to read comment number 3 from the comments, this project is within 500 feet of 300 and 207 and as such was forwarded to the Orange County Planning Department per NYSGML. Myra, have we heard back from them?

MS. MASON: Not yet.

MR. ARGENIO: So they'll be back to see us again, folks, if anybody has any additional concerns, we can address them at this time. Anything pressing anybody else has on their mind now?

MR. SCHLESINGER: Dumpster area big enough?

MR. ZIMMERMAN: We provided an area for the dumpster right here.

MR. SCHLESINGER: Is it big enough, large enough?

MR. OLSEN: Well, for the uses that there's not a lot of refuse so it should being more than enough for two 5 yard containers or 1 ten yard container.

MR. MINUTA: That will fit 2 five yards? Office building that I'm in is about 3,000 square feet and we fill two of them weekly.

MR. ARGENIO: That's cause you're an architect and you guys make a lot of mistakes. Joe, I agree with him, I think it should be a little bit bigger, the dumpster enclosure, and I want to know, I would like to ask the question how do you address and where do you put the--

MR. ZIMMERMAN: Snow?

MR. ARGENIO: No, that's a whole other issue. Where do you put the needles and sanitary stuff when you're done with them? What do you do with that stuff?

MR. OLSEN: They have a box, disposal company comes and picks it up.

MR. ARGENIO: Is the biohazard box outside or in the building?

MR. OLSEN: In the building.

MR. SCHLESINGER: In a doctor's office?

MR. OLSEN: Inside the reception area.

MR. MINUTA: Is it secured, in other words, someone can't come let's say you're in the lobby area, is it secure?

MR. OLSEN: Yes, it's secure.

MR. ARGENIO: Thank you, Mr. Zimmerman.

MR. OLSEN: Although there are a lot of comments, a lot of things that need to be addressed--

MR. ARGENIO: I don't think there's any brain surgery here, the drainage is going to be a little bit of a pain in the neck for you guys but that's the worst of it.

MR. OLSEN: Other dilemma is right now we're trying to weigh your feeling about the project, Mr. Sarkissian has to make a decision as to whether or not to finalize the purchase of the property, if we can get an indication of whether or not if we meet all your requirements which obviously we will if the board

would, is inclined to approve the project so we have a feeling of confidence to move forward?

MR. ARGENIO: I will not give you any assurance whatsoever but tell you that, and I'm not speaking for everybody here, I'm speaking for myself, but I do know these guys pretty well, I think it's a good project and I think the building you're proposing there even my architect friend to my left seemed to look favorably on it and that's good. So I think, I mean, if anybody disagrees with me chime in. I think it's a good project but there's some things you need to do and get through, I want to hear from Dominic about the road thing, take care of the drainage. If you can get through these two items you're well underway.

MR. OLSEN: Thanks.

REGULAR_ITEMS:

BONURA/JJ&H_OF_WALDEN_INC._ (CRIPPLE_CREEK)_LOT_LINE_

CHANGE_(06-13)

MR. ARGENIO: Bonura/JJ&H of Walden represented Mr. Shaw.

Mr. Gregory Shaw of Shaw Engineering appeared before the board for this proposal.

MR. ARGENIO: Application proposes conveyance of approximately 16/100 of an acre from lot 87.11 to lot 81. The application was previously reviewed at the 10 May, 2006 planning board meeting. Greg, what do you have here?

MR. SHAW: Very simply this board saw this plan back--

MR. ARGENIO: Tell me where it is.

MR. SHAW: This is Plum Point Caterers. Very simply, this board saw this plan back in May, actually there's two applications that were submitted, this was an initial application with the lot line change to convey a small piece of land from JJ&H of Walden which is Joe Bonura, Joe Bonura's property where Plum Point Caterers is. I believe the board referred when I left to the Orange County Department of Planning and I believe everything's in place other than having a final approval for the lot line change. Following our meeting in May, I came in with a site plan for Cripple Creek Realty which is Mobile Life Support Services, we went through a review process on the site plan, we had a public hearing, the board voted to approve it subject to the DOT permits, we have DOT permits in hand. So what we're looking to do now is to have the board vote on the lot line change plan so we can get it filed in Goshen which is a condition of one of your, of the approval for the site plan.

MR. ARGENIO: Would you point to the lot line you're going to extinguish?

MR. SHAW: There's going to be a couple to be extinguished, right now, the Plum Point Caterers facility sits on two lots, this lot line would be extinguished as would this lot line to be extinguished combining these into three lots and in addition there's this narrow piece of land which is part of this parcel would now go over into the Plum Point Caterers.

MR. ARGENIO: So you're combining three into one?

MR. SHAW: Correct and adding another piece from an adjacent lot, all of that to comply with the parking requirements for this building.

MR. SCHLESINGER: Wasn't there a question about the access into the other lot behind you?

MR. SHAW: Correct, what you have is that this is going to be the access, this parcel is going to be conveyed from JJ&H of Walden to Joe Bonura, there's a right-of-way going to be maintained by JJ&H so in order to access this parcel he'd use this entrance.

MR. ARGENIO: Twenty foot wide permanent?

MR. SCHLESINGER: So there'd be an easement for access into the other property at the same time giving you your area needed for parking, whatever else you need?

MR. SHAW: Right, there's going to be entrance right here which is going to service the parking lot for the Cripple Creek Realty office, that curb cut is also going to provide access to Bonura's parcel to the east.

MR. SCHLESINGER: And we discussed that last time because we thought we had 9W and the traffic flow.

MR. ARGENIO: You're correct, Neil. Greg, what's the little box in that lower lot there, just below the easement, what's the purpose of that, what's that?

MR. SHAW: That's a, I'd have to go back to the site plan.

MR. ARGENIO: Mark, do you know what it is?

MR. SHAW: Well, what it is we have a storm drainage, the storm water from this parking lot flows in this fashion, we have maybe about four or five catch basins and piping that collects storm water presently right now runs through this drainage ditch, okay, through this parcel. What we have done is with our storm drainage system of our parking lot just stubbed out a piece of pipe with a flared end section and rip-rap and flows into this major drainage ditch.

MR. EDSALL: Greg, can I ask a question to refresh my memory? The access to the Bonura parcel that's off 9W that's going to be two way ingress egress through the new curb cut on the southerly end?

MR. SHAW: Right in, right out.

MR. EDSALL: So there's no need for any easements through the Cripple Creek Realty?

MR. SHAW: No, right in right out, no left-hand turns.

MR. ARGENIO: Why would there be an easement?

MR. EDSALL: Just making sure it's not a right entrance only then they'd need a way to get out, just verifying they don't need any other easements.

MR. SCHLESINGER: Isn't there a curb cut right in front of the building now?

MR. SHAW: No, what you have is an opening in the median, actually no curb cut whatsoever.

MR. SCHLESINGER: Where is access into what was the Plum Point Catering, where was it?

MR. SHAW: There was no curb cut whatsoever along this area, it's just open macadam.

MR. EDSALL: Just wide open access Neil.

MR. SHAW: And with the permit that we got from the DOT and again that's on Cripple Creek site plan that's going to be repaved in this end and this entranceway is going to be moved down the median, I should say to line up with the new entrance.

MR. SCHLESINGER: There's going to be a curb and the only access into, only physical access into it is where you're asking for the additional spot there?

MR. SHAW: Well, what we're going to have is two entrances, this is going to be a right in right out southerly up in the northerly end, we're creating a new entrance through here, unfortunately, we have a median right in our way so we're taking out this portion of the median and extending this median back down, we're relocating it.

MR. SCHLESINGER: That's been approved?

MR. SHAW: Approved by the DOT.

MR. SCHLESINGER: Still not the best thing in the world but they approved it so whatever.

MR. EDSALL: It's an improvement to the wide open.

MR. ARGENIO: No curb cut, pavement to pavement random

access.

MR. EDSALL: The reason why it's been from May until now purely because he was waiting for DOT to approve those changes that were part of the site plan.

MR. MINUTA: No additional curbing is being added onto the property itself?

MR. BABCOCK: Yes.

MR. SHAW: There will be no curb up here, no curb up here because there will be no parking up there, okay, and because we're going to have a curbed entrance which is going to force people to stay on a south side of the building will not be able to go to the north side of the building.

MR. MINUTA: Somebody jog my memory, I believe the last meeting we were moving that down and that there would be curbing on the top portion and landscaping and a flag pole there, am I correct?

MR. BABCOCK: There's a site plan, this is not the site plan.

MR. ARGENIO: We're not voting on site plan approval here, the site plan we looked at, we reviewed multiple times, we talked about a radio tower that's going in there.

MR. SHAW: All that's done.

MR. ARGENIO: The only thing the purpose of this tonight is because--

MR. MINUTA: The lots themselves?

MR. ARGENIO: Right, because Greg has been waiting for, the owner's been waiting for the DOT to move and they

finally moved.

MR. MINUTA: Sorry for the confusion.

MR. EDSALL: It's been a while.

MR. ARGENIO: No, it certainly has been a while.

MR. CORDISCO: This application was originally reviewed I believe in May and it was referred to the County because it was 9W and County came back with an approval recommendation and that's why.

MR. ARGENIO: Any procedural issues that I'm missing here or is it just we vote on lot line change?

MR. CORDISCO: Very simple.

MR. ARGENIO: Everything's done.

MR. CORDISCO: Well, that's correct, at this point it's a lot line change, it's a minor subdivision.

MR. ARGENIO: Myra says we need to do a negative dec.

MR. CORDISCO: You also need a motion to waive the public hearing.

MR. ARGENIO: We did that already, Myra's got that.

MR. EDSALL: Yes, we did do that on May 10 so that was taken care of.

MR. ARGENIO: We need a negative dec and a vote if anybody agrees, I'll accept a motion we declare negative dec on Bonura.

MR. SCHLESINGER: So moved.

MR. BROWN: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board declare negative dec on Bonura JJ&H lot lane change on US Route 9W. No further discussion, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. SCHEIBLE	AYE
MR. MINUTA	AYE
MR. ARGENIO	AYE

MR. ARGENIO: I'll accept a motion that we grant final approval for this lot line change.

MR. SCHLESINGER: So moved.

MR. MINUTA: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board grant final approval for Bonura JJ&H lot line change on 9W. If there's no further discussion from the board members, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. SCHEIBLE	AYE
MR. MINUTA	AYE
MR. ARGENIO	AYE

MR. SCHLESINGER: I'd like to thank Mr. Shaw for the most part being, making his plans accurate, concise and complete.

MR. MINUTA: I concur with Neil.

DISCUSSION

MR. ARGENIO: I'm going to read, I'm going to paraphrase. Did everybody get the memo from our esteemed attorney?

MS. MASON: Everybody did.

MR. ARGENIO: So I want to talk to you guys not here at this public forum but let's talk privately, intend to get a list of things we can do, I'm quite sure Mr. Minuta as a professional probably attends continuing education things quite frequently, that will probably qualify, but somewhere, somehow, some way the rest of us are going to have to find some four hours of training from someone and there's a lot of informal ways we can do it and it applies also to the alternates, Danny and Henry, so we have to pick up over the next year four hours of training in municipal stuff for lack of an exactly proper term. I have a memo here from the Federation of Towns which I was going to share with you guys tonight until Dominic trumped me and sent his letter out, but I have a nice thing here that I'm going to copy for you guys and I will have Myra fax it to you and it gives a lot of options about where we can get that training.

MR. MINUTA: Those are great seminars.

MR. ARGENIO: There's a million options here.

MR. SCHLESINGER: I have no problem with it. Do we get time and a half for that?

MR. BABCOCK: Absolutely.

MR. ARGENIO: Yeah, you get time and a half, 50 cents an hour to 75 cents an hour. I'll have a motion to adjourn.

MR. SCHLESINGER: I have a question. What's the name, gentleman's name behind Mr. Williams? Mr. Braun, I think you brought up a pretty good point during the public hearing, I mean, it's one of the reasons I commented about Mr. Shaw, you know, we get a set of plans, they're complete, concise, as I said before with a lot of bullets and, you know, you get an application with two pages, over 2 1/2 pages of bullets, it's a little hard for us to understand what's going on, not to mention the public and, you know, you have a public hearing I think plans should be presented and be a little bit more complete.

MR. MINUTA: Absolutely.

MR. ARGENIO: Duly noted.

MR. SCHEIBLE: No, I go along with what Neil just brought up, this is always in the past and it always will happen.

MR. ARGENIO: Absolutely and you know what?

MR. MINUTA: To that extent I may add we're not here to design it for them.

MR. ARGENIO: Exactly correct.

MR. MINUTA: They need to hire the professionals, come here and do what they need to do, we do get applications that we look at and they are a pleasure to look at then we get applications that are a nightmare.

MR. ARGENIO: Neil, let me just have the last word on this I don't disagree with you, I agree with you, however, we have to keep in mind as a public body that we need to treat the applicants the same, we need to supply equal treatment and for us to subjectively leave this public hearing open and close the next one and subjectively table the next one and then close the next

one is a little bit out in the fringe for us and as Joe said, we're certainly going to get different sets of plans from different calipers of designers and what we try to do and what I have instructed Mark to do at the workshop level is to try as best we can to bring them to a point of finality where there's not as many comments, it's not so easy.

MR. SCHLESINGER: I agree a hundred percent with what you're saying and I wasn't suggesting that we should of kept the public hearing open. My suggestion was is that I think that the applicant should do more homework before they come to a public hearing.

MR. ARGENIO: Always been a pet peeve of mine.

MR. SCHLESINGER: And you know they have workshop opportunities to take advantage of them.

MR. ARGENIO: Always been a pet peeve of mine. Mark, you need to work harder, Neil, it's always been a pet peeve, Mark can go to work shops and he can tell these guys you need to fix this, this, this, this and this and we'll put you on the agenda and they walk out of the office saying yeah, yeah, yeah, yeah and they don't do it.

MR. EDSALL: Or I'll ask them to add ten things they'll add all ten but they'll do it all wrong.

MR. MINUTA: To that end, Mark works pretty darn hard but the applicants when they come forward, I mean, when they finish the workshop session are they required to make those changes then bring them in?

MR. EDSALL: Well, the problem is is that some things on the surface appear so simple that if you tell someone add these ten details and the ten details are in the Town Law and they can even go on line and get a lot of the information.

MR. ARGENIO: It's done incorrectly.

MR. EDSALL: You would hope that it would come back in correctly but that's not always the case so a lot of times my comments are not because they didn't do what I asked them, they did, they added it, but they added it wrong so--

MR. BABCOCK: Some people listen better than others.

MR. ARGENIO: I'll have a motion we adjourn.

MR. SCHLESINGER: So moved.

MR. MINUTA: Second it.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. SCHEIBLE	AYE
MR. MINUTA	AYE
MR. ARGENIO	AYE

Respectfully Submitted By:

Frances Roth
Stenographer